



DEC 19 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

STB

Genentech, Inc.  
Attn.: Richard B. Love  
1 DNA Way  
South San Francisco, CA 94080-4990

In re Application of  
Goddard  
Application No.: 09/869566  
PCT No.: PCT/US99/30720  
Int. Filing Date: 22 December 1999  
Priority Date: 23 December 1998  
Attorney Docket No.: P2534-3  
For: IL-1 Related Polypeptides

DECISION ON  
PETITION UNDER  
37 CFR 1.137(b)

This is a decision on applicant's petition under 37 CFR 1.137(b) filed on 29 June 2001.

### **BACKGROUND**

This international application was filed on 22 December 1999 and claimed an earlier priority date of 23 December 1998. A Demand electing the United States was filed on 21 July 2000, which was prior to the elapse of 19 months from the priority date. Consequently, the thirty period for payment of the basic national fee in the United States expired as of midnight on 23 June 2001. The international application became abandoned with respect to the United States for failure to timely pay the basic national fee.

On 29 June 2001, applicant filed the instant petition.

### **DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the petition is accompanied by the required reply in the form of the basic national fee.

Regarding requirement (2), the petition is accompanied by the required petition fee.

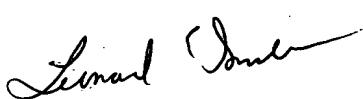
Regarding requirement (3), the petition includes an appropriate statement.

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

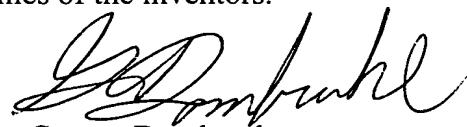
**DECISION**

The petition is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an acceptable oath or declaration of the inventors setting forth all the names of the inventors.



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office



George Dombroske  
PCT Legal Examiner  
PCT Legal Office  
Tel: (703) 308-6721  
Fax: (703) 308-6459